trix with intent of revoking such parts, it was found by the surrogate that the sixth paragraph contained two legacies of $2,500 each to X and Y, and that the missing part of the tenth clause gave each of the above one-fourth of the residue of the estate. He admitted the will to probate, including the missing clauses as he found their contents to be. His findings of fact were reversed on account of admission of hearsay evidence and as to the question of law the Supreme Court of New York *held* that in case the contents of the missing clauses could not be proved, the two legacies in the sixth paragraph should sink into the residue of the estate and the two one-fourth shares of the residue should become intestate property. *In re Ursula Kent* 155 N. Y. Supp. 894.

In England by the Statute of Frauds and the Statute of Wills, a clause of a will may be revoked by cancellation. The same is true in some of our states, *In re Brown's Will,* 40 Ky. 56; *In re Tomlinson's Estate,* 133 Pa. St. 245. But in New York and in other jurisdictions, according to the interpretation of their statutes, an obliteration is ineffectual to revoke such clauses. *Lovell* v. *Quetman,* 88 N. Y. 377; *Griffin* v. *Brooks,* 48 Oh. St. 211; *Law* v. *Law,* 83 Ala. 432. In the states which follow the New York rule, the question in the principal case can only arise, therefore, in those cases where it is impossible to prove the contents of the obliterated clauses. At common law lapsed devises did not fall into the residue but lapsed legacies did. *Crerar* v. *Williams,* 145 Ill. 625, 34 N. E. 467. Under our Statutes allowing after-acquired real estate to be devised, lapsed devises fall into the residue. *Upham's Estate,* 127 Cal. 90, 59 Pac. 315; *Holbrook* v. *McCreary,* 79 Ind. 167; *Cruickshank* v. *Home for Friendless,* 113 N. Y. 337, 21 N. E. 64, 4 L. R. A. 140. But at common law failure of part of the residue, as to that part became intestate property. *In re Hoffman,* 201 N. Y. 247; *Ward* v. *Dodd,* 41 N. J. Eq. 414; *Wahn's Estate,* 156 Pa. St. 194; *Worcester Trust Co.* v. *Turner,* 210 Mass. 215. It would seem that this rule would also apply to cases where the clause was revoked by cancellation. This was the reasoning followed in the principal case. However, the court was confronted with a recent case in its own jurisdiction, *Osburn* v. *Rochester Trust and Safe Deposit Co.,* 209 N. Y. 54, where the court held that the cancellation of a codicil (inconsistent with the will) did not restore the will to its original form but that the testatrix in that case died intestate as to the property referred to in the codicil. In other words, the lapsed legacy did not fall into the residuary clause but became intestate property. The court attempts to distinguish these two cases and at least decides that the holdin in the *Osburn* case does not control the decision in this case, for if the legacies failed for lack of proof of their contents here, they were held as a matter of law to fall into the natural "catch-all," the residuary clause.

WORKMEN'S COMPENSATION ACT—DELEGATION OF JUDICIAL POWERS TO ADMINISTRATIVE BOARD.—In an action to recover damages from defendant under the common law for personal injuries sustained while in its employ, plaintiff contended, among other reasons, that the Workmen's Compensation Act of 1912 was unconstitutional because the powers conferred and duties imposed

upon the Industrial Accident Board combined executive, administrative, and judicial functions contrary to the Constitution. *Held,* that the Board was an administrative body created by the act to carry its provisions into effect, although vested with various and important duties and powers, some of them quasi-judicial in their nature; that it did not exercise a judicial function since the act failed to give it that final authority to decide and render an enforceable judgment. *Mackin* v. *Detroit Timkin Axle Co.* (Mich. 1915), 153 N. W. 49.

In upholding the Workmen's Compensation Act on this point the principal case has followed the rule generally laid down by the other states. *State* v. *Creamer,* 85 Ohio St. 349, 97 N. E. 602; *Cunningham* v. *N. W. Imp. Co.,* 44 Mont. 180, 119 Pac. 554; *Borgnis* v. *Falk Co.,* 147 Wis. 327, 133 N. W. 209; *Hawkins* v. *Bleakley,* 220 Fed. 378. The legislature cannot place its own acts beyond the constitutional jurisdiction of the courts, *Reck* v. *Whittlesberger,* 181 Mich. 463, 148 N. W. 247; yet some of the decisions have upheld workmen's acts through a desire rather to foster the compensation principle than to lay down the correct rule of law. A review of the experiments may be had in 10 MICH. L. REV. 278. See also 13 MICH. L. REV. 683. Of the many administrative bodies not invested with judicial power in the constitutional sense, which seem likely to increase, is the so-called Industrial Accident Board. And in the present case a very moderate act has been sustained without yielding constitutional principles to needed reform.